

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

MENDI YOSHIKAWA, Individually and  
On Behalf of All Others Similarly Situated,

Plaintiff,

v.

EXXON MOBIL CORP., DARREN W.  
WOODS, ANDREW P. SWIGER, and  
DAVID S. ROSENTHAL,

Defendants.

Case No. 3:21-cv-194-N

CLASS ACTION

MARTIN J. BENTLER, Individually and  
On Behalf of All Others Similarly Situated,

Plaintiff,

v.

EXXON MOBIL CORPORATION,  
DARREN W. WOODS, ANDREW P.  
SWIGER, DAVID S. ROSENTHAL, NEIL  
A. CHAPMAN, JACK P. WILLIAMS,  
LIAM M. MALLON, NEIL A. HANSEN,  
and JEFFREY J. WOODBURY,

Defendants.

Case No. 3:21-cv-335-X

CLASS ACTION

**MOTION OF RHODE ISLAND AND AMALGAMATED BANK FOR  
CONSOLIDATION OF ACTIONS, APPOINTMENT AS LEAD PLAINTIFF, AND  
APPROVAL OF THEIR SELECTION OF COUNSEL**

The State of Rhode Island, Office of the General Treasurer, on behalf of the Employees' Retirement System of the State of Rhode Island ("Rhode Island") and Amalgamated Bank, as Trustee for the LongView LargeCap 500 Index VEBA Fund, LongView LargeCap 500 Index Fund, LongView Large Cap 1000 Index Value Fund, and LongView Broad Market 3000 Index Fund (collectively, "Amalgamated Bank") hereby move this Court, pursuant to the lead plaintiff provisions of the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), codified as Section 21D(a)(3) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. § 78u-4(a)(3), for an Order: (i) consolidating the above-captioned related securities class actions (the "Actions"); (ii) appointing Rhode Island and Amalgamated Bank as Lead Plaintiff; (iii) approving Rhode Island's and Amalgamated Bank's selection of Bernstein Litowitz Berger & Grossmann LLP ("Bernstein Litowitz") and Grant & Eisenhofer P.A. ("G&E") as Lead Counsel for the Class and McKool Smith PC ("McKool Smith") as Liaison Counsel for the Class; and (iv) granting such other and further relief as the Court may deem just and proper.<sup>1</sup>

This Motion is made on the grounds that Rhode Island and Amalgamated Bank believe they are the "most adequate plaintiff" under the PSLRA and should therefore be appointed Lead Plaintiff. Specifically, Rhode Island and Amalgamated Bank believe they have the "largest financial interest" in the relief sought by the Class in this action by virtue of, among other things, their incurred losses of over \$13.1 million—as calculated under a last-in, first-out basis—which

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<sup>1</sup> Civil Local Rule 7.1(a) requires motions to be accompanied by a Certificate of Conference indicating that the attorney for the moving party has conferred with the attorneys for each party affected by the requested relief to determine whether the motion is opposed. Civil Local Rule 7.1(b)(3) mandates that, if a conference is not held, the certificate explain why it was not possible to confer. Rhode Island and Amalgamated Bank respectfully submit that it is not possible to confer here because counsel cannot ascertain the identity of the parties moving for appointment as Lead Plaintiff until after all such motions have been filed. *See* 15 U.S.C. § 78u-4(a)(3) (allowing any class member to file a lead plaintiff motion within 60 days of publication of early notice). Under these circumstances, Rhode Island and Amalgamated Bank respectfully request that the conferral requirement of Local Rule 7.1(a) be waived for the limited purposes of this Motion.

they incurred on their purchases of 783,400 shares of Exxon Mobil Corp. stock between February 18, 2018 and January 14, 2021, both dates inclusive. Rhode Island and Amalgamated Bank otherwise satisfy the requirements of Rule 23 of the Federal Rules of Civil Procedure because their claims are typical of other Class members' claims and because they will fairly and adequately represent the interests of the Class. Moreover, Rhode Island and Amalgamated Bank are a paradigmatic Lead Plaintiff under the PSLRA because they are a small, cohesive pair of sophisticated institutional investors with substantial financial stake in the litigation, which guarantees effective monitoring and supervision of counsel.

Rhode Island and Amalgamated Bank hereby respectfully request oral argument.

This Motion is supported by the accompanying Memorandum of Law and Appendix of Exhibits, the pleadings and other filings herein, and such other written or oral argument as may be permitted by the Court.

WHEREFORE, Rhode Island and Amalgamated Bank respectfully request that the Court: (i) consolidate the Actions; (ii) appoint Rhode Island and Amalgamated Bank as Lead Plaintiff; (iii) approve their selection of Bernstein Litowitz and G&E as Lead Counsel for the Class and McKool Smith as Liaison Counsel for the Class; and (iv) grant any other relief that the Court may deem just and proper.

Dated: March 29, 2021

Respectfully submitted,

**McKOOL SMITH PC**

/s/ Lewis T. LeClair

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Class*

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*Counsel for Proposed Lead Plaintiff  
Amalgamated Bank and Proposed Lead  
Counsel for the Class*

**CERTIFICATE OF SERVICE**

I certify that on March 29, 2021, a true and correct copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ Lewis T. LeClair

Lewis T. LeClair